G. R. S. IX-5]

Previous references.

S+A 3785
6787
7787
6768
5787

Later references.

4. 17996.
20795
31797

1894-95
~~192~~ .
(S + A.)

File No. 18 of 1894
Serial Nos. 1—8

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 —— 8

Major Part B for April 1896.

SUBJECT.

Proportionate Pension to J. X. Mascarenhas, late Judicial Gumasta in the Superintendence Office of the Nagar Division.

To The 1st Assistant Resident in

Camp No. 84 dated 9.4.96.

Sl. 8 Stating that the Durbar are prepared to bear a share of pension proportionate to the service rendered under Mysore Gov

WD 2253—GPB—20,000—14-6-20

Gen. 30.]

OFFICE OF THE
16008
MAY 1895
G. 5944
DEWAN OF MYSORE.

Submitted with an office
Note for orders
28/10/95

From

The Comptroller, Mysore Govt.

To

The Chief Secretary to the
Dewan of Mysore.

Dated 22nd May

Despatched 23

Received

D. O. No. 6767

SUBJECT MATTER.

Submitting the pension Case
of Mr. J. K. Mascarenhas.
late Sr. Customs Superintenda
of Mangeshwar formerly Jun
Gumasta in the Superintenda
Office in the Nagar Divisio

23/5

Rule 227 & 380 are
[illegible]

OFFICE OF THE COMPTROLLER, MYSORE, GOVT.

Bangalore, 22nd May 1895
23

COMPTROLLER'S OFFICE
22 MAY 95
BANGALORE

E. R. SUBROYER, Esq.,
Comptroller to Mysore Govt.

To

The ~~Chief~~ Secretary to the ~~Dewan~~ of Mysore.

Under Govt
Pensions and Allowances.

SIR,

I have the honor to state that the Collector of South Canara has referred to me the pension case of Mr. J. C. Mascarenhas late Sea Customs Superintendent of Manjeshwar in that District formerly Judicial Gumasta in the Superintendents' Office of Nagar Division for report as to whether this Office will accept the portion of pension chargable to Mysore on account of Service rendered by him in that Government.

The Service of Mr. Mascarenhas in Mysore began on 23rd August 1853 and ended on 14th March 1860. From the order passed by the late Superintendent of Nagar Division in whose Office he was employed in Mysore, it is apparent that he voluntarily resigned his appointment under the Mysore Commission. His case is however analogous

analogous to that of Mr. Marchant of whose pension the Mysore Government undertook to bear the proportionate shar as sanctioned by the Government of India, but I consider that this sanction was accorded as a special case. The British Government refused to accept proportionate pension in the case of Tirumal Rao, Abdulmullakhan &c who were first employed in Madras and then transferre to Mysore Service before the Rendition The payment of pension contribution was also negatived in the case of one Munsawmy Moodliar, late calculator in the Chief Engineer's Office and Thandavaya Moodliar, Overseer Mysor P. W. D. on the ground that they volun-tarily resigned their employment in the British Government, although their cases were identical with that of Mr. Marchant.

Under article 427(a) only in the case of Officers who, having no status in the service the British Government, apart from their particular employ-ment in Mysore were employed and transferred to the British Service — proper before 1st October 1882, the pen-sions granted are charged according to the rule of proportions. Mr. Anascarenhas was not transferred, but resigned his appointment in Mysore to take up another

another in the Madras, and such re-
-signation does not entail forfeiture
of past service under Article 460 (b).

Under the above circumstances, I
request to be informed whether the
proportionate share of pension claimed
in the case of Mrs. Mascarenhas may
be admitted.

The favor of an early reply is
requested.

I have the honor to be
Sir
Your most obedient Servant
M Eagle
for Comptroller

which was sent to the Revenue Department with references yesterday in the 7/11 & Oct 95, Sd
17/10/95

Gen. Serial No. 30.]

1895

OFFICE OF THE
2728
C - OCT 1895
PVA326
DEWAN OF MYSORE.

From S+A

The Comptroller, Mysore Govt.

To General

The ~~Chief~~ Secretary to the Govt ~~Dewan~~ of Mysore.

Dated 2nd October

Despatched 9

Received

L. F. No. 2025 } 1895

SUBJECT MATTER.

Requests to be informed whether proportionate pension of Mr Mascaren may be admitted as the Acctt: Genl has wants to expedite the disposal of the case.

R 43/2490
9461
Gen 766
The Lawyer Pd 18/2

G.
D to A
9-10-95
To Revenue Dept.
Please put up the papers required in the disposal of Comptroller's No. 6767 D 21/5/95

D.A No. 2025

OFFICE OF THE COMPTROLLER, MYSORE GOVT.

Bangalore, 8th October 1895

COMPTROLLER'S OFFICE 8 - OCT. 95 MYSORE

From

E. R. SUBROYER, Esq.,
Comptroller, Mysore Govt.

To General Govt.
The ~~Chief~~ Secretary to the ~~Dewan~~ of Mysore.

Sir,

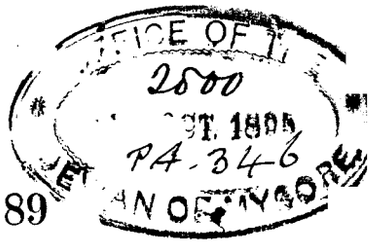
16003
5944
R^d 31/7/95

I have the honor to invite your attention to my letter No. 6764 of the 21st May last requesting to be informed whether the proportionate share of pension claimed by the Accountant General Madras in the case of one Mr. Mascarenhas for services rendered in Mysore from 23rd August 1833 to 14th March 1860 may be

admitted under the circumst-
-ances therein set forth
and to request the favor
of an early reply, as the
Accountant General Madras
has again addressed this
office stating that the
Madras Govt has called
upon him to expedite
the disposal of the case
which has been pending
for over a year.

I have the honor to be
Sir
Your most obedient Servant.
[illegible]
Comptroller
W.O.R.

Gen. 30.]



189

From

E. R. SUBROYER, Esq.,
Comptroller to Mysore Govt.

To

The ~~*Chief*~~ *Secretary to the Govt.*
~~*Dewan*~~ *of Mysore.*

Dated 10 October

Despatched 11

Received

Enclosures No. 1

General No. 2065
No.

In reply to

SUBJECT.

Enclosing an urgent Post Card from the Accountant General Madras for favor of a reply

---

Ack 11/10
To Revenue Supt for reference early.

References (to be entered only in the Dewan's Office).

No. 2065 with one enclosure

OFFICE OF THE COMPTROLLER, MYSORE,

Bangalore, 9th *October* 1895

COMPTROLLER'S OFFICE 10 OCT 95 MYSORE

From

E. R. SUBROYER, ESQ., B.A., B.C.E.,
Comptroller to Mysore Government.

To *General* *Govt.*
The ~~Chief~~ Secretary to the ~~Dewan~~ of Mysore.

SIR,

2728—326. Ptd

In continuation of my letter No. 2025 of the 8th Instant, I have the honor to enclose an Urgent Post Card No. 31 dated 7th Instant received from the Accountant General, Madras, and to request that you will be so good as to expedite your reply for communication to that Office.

I have the honor to be
Sir,
Your most obedient Servant
E R Subroyer
Comptroller

R.V.K.

427

Gen. 30.]

1896

6537

From The Pt Asst Resident

To S.H.C. No. 4

~~The Chief Secretary to the~~
Dewan ~~Govt. of Mysore.~~

Dated 7th Feby.

Despatched

Received

Enclosure No. 4.

General No. Camp 27
No.

Forwarding a copy of a letter from the Accountant Genl. Madras, reporting application for pension on behalf of J. K. Maccara-has, late Supdt of Customs at Mangeshwar, South Canara Dist, & calling for explanation as to delay in its disposal.

References to be marked.

11 Camp No. 27 En 4.

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore

Camp Thirthahalli,
Dated ~~Bangalore~~, 4th February 1896.

SIR,

I am directed to forward herewith a Copy of a letter No. I & E. 463 dated the 30th ultimo from the Accountant General, Madras (together with its enclosures*) regarding the application for pension in behalf of J. K. Mascarenhas, late Superintendent of Sea Customs at Manjeshwar in the South Canara District, and to request that you will be so good as to favour the Resident with the opinion of the Durbar in the matter as soon as practicable -

* to be returned

2. I am to draw your attention to the great delay which has occurred in the disposal of this Case - Some explanation

of this delay is invited for Communication to the Accountant General Madras —

I have the honour to be

Sir

Your most obedt. Servant

K.D. Erskine

1st Assistant Resident

P & A. Branch.

Bring up file at once.

Sd

7/2

Pension Department.

Fort St. George,
Accountant-General's Office
30th January 1896.

No. I A E
463

From

F. C. Harrison Esqre
Offg: Accountant-General to the
Government of Madras

To

The Assistant to the Resident
in Mysore, Bangalore

Sir

I have the honour to state that J.M. Mascarenhas, late Superintendent of Sea Customs at Manjeshwar in the South Canara District of this Presidency, retired from the Service from the 18th August '94. From the application for Pension on his behalf received from the Collector of South Canara it appears that Mascarenhas served from 23rd August 1853 to 14th March 1860 in the Mysore State. In October 1894, I requested the Collector to ascertain and report whether the Comptroller of Mysore would have any objection to accepting

as a Charge against the Mysore State a proportionate share of the applicant's pension for the period of Service rendered in that State. The Collector accordingly addressed the Comptroller on the subject. Having however received no definite reply even after Sending Six reminders, the Collector in August '95 suggested that a reference should be made to the Comptroller direct from this office. A reference was accordingly made by this office on the 20th September 1895 a Copy of which together with a Copy of the Comptroller's reply No. 3724 dated 18th January 1896 is herewith forwarded, from the latter of which it will be seen that the required information has not even now been furnished

2. As already Stated above, the applicant in this Case retired from the Service in August 1894 and it is most undesirable that the question of his pension should any longer remain unsettled. The Secretary of State has frequently called attention to the importance of Pension applications and the Local Govt has in Consequence directed that all such applications be regarded

as "urgent papers" 15

3. In these circumstances I shall feel obliged if such steps as may be found advisable be taken to secure a speedy disposal of the matter by the Mysore Government

4 The Comptroller of Mysore would seem to be of opinion that the case is one of resignation; there are however two entries in his service register, one stating that the applicant was transferred on promotion and the other that he left the office on promotion to higher pay. One point at issue would therefore seem to be, whether having regard to the degree of formality customary in 1860 in the case of transfers between the British and Mysore Governments, and also on consideration of any original documents available in regard to this particular case, the applicant should be held to have been transferred within the meaning of article 427 of the Civil Service Regulations. Another point is whether, even assuming that the applicant should be considered to have resigned his service

under the Mysore Government, he should still be allowed under article 462 of the Civil Service Regulations, to count his previous Service pr pension, the "reappointment" having followed immediately after the resignation. × × ×

5 The favour of a very early reply is requested.

I have etc

/Signed/ J.L. Redford
Asst Accountant General

Copy

M. Chetwode
Manager

17

No. 1324/5155

FROM S & A. 16-'14.

THE ~~FIRST~~ ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 12th May 1886.

SIR,

In letter No. 3752-206 dated 20th September 1885 from your office the question was raised as to whether the Mysore Government should bear a portion of the pension granted to Mr. S. Marchant of the Hyderabad Service on account of his service in the Mysore Commissioner's office from 6th December 1853 to 31st October 1858, and in letter No. 1952/515 dated 13th October 1885 from this office you were informed of the Offg Resident's views in this matter - views which I may explain have necessarily been modified by the altered aspect and conditions of the case as it is now presented.

2. The Mysore Durbar it will be remembered objected to bear any share of Mr Marchant's

e rsion according to the ruling of the Govt of India
n the case of Mr Rangacharier and others who
s milarly resigned British Service for employ=
r ent in Mysore. But since then the Resident
t Hyderabad has submitted the case to the Govt of
I ndia for orders and it has been referred to this
K sidency for the reconsideration of the Mysore
D. rbar under the following explanations.

3. The Government of India observe that the
r inciple which it is proposed to follow in the
c se of Mr Marchant is exactly the same as
t at which has been followed in the case of Mr
K ngacharier and the other officers to whom reference
s made. Mr Rangacharier resigned the service
f the Government of Madras to join the Service of
h e Mysore Government, and it has been decided
h t his pension should be calculated on the combined
s rvices, the British and the Mysore Government bear-
i g their proper share of the pension. In this case, the
G vernment of India points out, the British Govern-
r ent did not accept liability on account of Mr
K ngacharier's Mysore Service, but the British
G vernment did not object to pay a share of

Mr

Mr Rangachariar's pension proportionate to his service under the British Government.

4. The Government of India states that that decision was passed in view of the consideration that when Mysore was under British administration it was natural that officers in Government Service proper should have felt no hesitation in resigning their appointments to join Mysore Service and vice versa under circumstances in which similar resignation of one Govt. appointment to join another would not have affected their pensionary claims. If under such circumstances the previous service, whether in Mysore or under the British Government should be rejected, the result would, the Government of India considers, be unmerited hardship to the officers concerned.

5. Under these circumstances the Government of India request that the Mysore Durbar may be moved to reconsider the question of its liability to pay a share of the pension of Rs 100, granted to Mr Marchant, amounting to

Rs 5-1-5 as specified on the margin - and I am therefore to request the favor of an early reply to this reference.

Govt of India - 16-1
Hyderabad and Distts
General Revenues - 59.
Excluded Local funds 19-11-
Mysore State 5-1-5
100-4-

I have, &c.

(Sd) E. A. Fraser
Major
Assistant Resident.

No 9402
P 246 9/13/96

To, Sir A. Rogers

The first Asst
to the President
in Empire

Sir,

I am directed
to acknowledge the
receipt of your letter
Camp No 27 D/4 th
February 1896 in
regard to the pension
case of Mr J. C.
Macarenhas, late
Superintendent of
Manjeshwar in
the South Canara
District and to state
in reply that the
case of Mr Macar-
enhas is analo-
gous to that of
Mr Merchant of
the Hyderabad Service
towards whose pension

~~the~~ Mysore Govt. ~~has~~
contributed under
the orders of the Govt.
of India communi-
cated in your office
~~No~~ letter No. 4324/5155 dated 12th May 1886.

2. ~~Para~~ Para 4 of the
above ~~order~~ letter, ~~the~~
Durbar was com-
municated of the
decision of the Govt.
of India laying down
the principle ~~by~~ which
such cases should
be governed, ~~which~~ viz.
~~reads~~ as follows:—

"The Govt. of India
"states that that decision (Ramachandra)
"was passed in view
"of the consideration that
"when Mysore was under
"British administration
"it was natural that
"officers in Govt. Service

"proper should have felt
"no hesitation in resigning
"their appointments to
"join Imperial Service and
"Vice Versa under cir-
"cumstances in which
"similar resignation of
"one Govt appointment
"to join another would
"not have affected
"their pensionary claims
"If under such cir-
"cumstances the pre-
"vious Service whether
"in Imperial or under
"the British Govt
"should be rejected,
"the result would,
"the Govt of India con-
"siders, be unmerited
"hardship to the Officers
"concerned".

This ruling of the Govt
of India is prima facie
of general applicability
and was accepted as
such by the Durbar
and carried out in the
case of our Merchant

The Govt of India also quoted in this Connection and as illustrative of the above principle the case of Rungachariar who had resigned the British Service and joined the Impane Service under the Commission and in whose favor the British Govt commuted proportionate pension for the period of his Service under that Govt. The Advocate General of Madras however declined to accept the above Ruling of the Govt of India as having any validity except in regard to the particular case of the Merchant and declined to accept liability for proportionate share of pension in the marginally noted cases on the ground that the Officials did

(x) Tirumal Rao late amildar of the Hoskote Taluk Bangalore Dt.
B. English late Asst of the Huzur and the Bukshi's Office.
Kullimullakhan late Police Inspector of the Chamrajpet for the Impane Dt.

did not pay pensionary
contribution under the
code to entitle them
to the concession.
Adopting the argument
of the Accountant General
the Durbar is not
liable to contribute
towards the pension
of Mr. Mascarenhas,
while adopting the
Ruling of the Govt. of
India, the Durbar is
liable in respect of
the services of Mr. Mas-
carenhas rendered to
the Empire Govt. I am
directed to request
therefore that the
early orders of the Govt.
of India on the question
raised by the Actg.
General and referred
to in the British Resident
to in the Durbar's letter
D/27th November 1890
No. 9703/464 may be obtained
so as to decide

the case of Mrs Macarthur and all similar cases on a uniform principle.

3. The delay of 8 months in this office was partly due to the careful search made in the Registrar Commissioners old records of nearly half a century back and the rest is regretted.

4. The Comic Books of Mrs Macarthur and the two original envelopes of your letter under acknowledgment have been are herewith returned

12-2-96

General Office.

No 9441 & 13/2/96
P&A 766

Copy to the Comptroller to the Govt of Insane for information with reference to this letter No 6767 of 22 May 1895.

Under

537

27

Gen. 31]

1896 8193

From Mr. Sec. Asstt. Resk.

S & A. [illegible]

To The Dewan of Mysore.

Dated 1-4-96.

Despatched

Received

General No. 1213.
No.

Enclosure No.

Stating that the Acctt General Madras, expresses that the views of the Govt of India in Mr Marchant's case comm^d in Residency letter of 12/5/86 should be applied to similar cases and enquiring whether the Darbar is prepared to bear a share of Mr Mascarenhas' pension proportionate to his service in Mysore.

Sahib o Dewan.

The liability for pensionary Contribution in regard to Mr Mascarenhas may be accepted and Resident requested to expedite the reply promised by him as a number of Mysore Officials are going without their full pension in a number of years.

4/4/96

Send me my Cash

Draft letter accepting the liability

9/4/96

PtA Branch

1-4-96

F 1896 W.

No. 213.

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 1st April. 1896.

SIR,

With reference to your letter No. 9402/P.246 date the 13th February 1896, I am directed to state th the Accountant General, Madras, to whom th question has been again referred has now expressed his opinion that the views of the Government of India in Mr: Marchant's ca communicated in this office letter No. 1324/515-5 of the 12th May 1886, should be applied to simila cases and that the previous ruling given from his office was mistaken. I am therefor to enquire whether the Durbar is prepared to bear a share of Mr: Mascarenhas's pension proportionate to his service rendered under

hat Government.

In asking for the favour of a very early reply, I am to state that your letter No. 9703/464 dated the 27th November 1890 will now be considered and a reply sent in due course.

I have the honor to be

Sir,

your most Obedient Servant

K.S. Erskine Captain,

First Assistant Resident.

Gen. Serial No. 31.]

189

From

To The Hon'ble Resident
in Mysore

Dated

Despatched

Received

Enclosures No.

General No.

No. Camp No. 84 D
9.4.9

Sir,

I am directed by your letter No. 1213 D. 1st April 96, & am desired to state that under the circumstances therein mentioned, the Doctor are declined to accept less a Khas after the Mysore Commission report has been received under the Mysore Govt -

2. I am also to request that in favour of a reply to this letter

970

: letter in the file
2. Kalimullah Khan -